

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 58th Legislature (2021)

4 HOUSE BILL 2542

By: **Stinson** of the House

5 and

6 **Brooks** of the Senate

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8
9 AS INTRODUCED

10 An Act relating to attorneys; defining terms;
11 authorizing admission on motion to practice law in
12 Oklahoma under certain conditions; providing
13 exception; requiring payment of certain application
14 fees and costs; applying rules of reciprocal
15 jurisdictions under certain circumstances; providing
16 for codification; and providing an effective date.

17 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

18 SECTION 1. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 19 of Title 5, unless there is
20 created a duplication in numbering, reads as follows:

21 A. As used in this section:

22 1. a. "Practice of law" means:

23 (1) representation of one or more clients in the
24 practice of law, whether as a solo practitioner,

1 in a law firm, or for a legal clinic or similar
2 entity,

3 (2) service as a lawyer with a local, state,
4 territorial, or federal agency, including
5 military service,

6 (3) teaching full time at an American Bar Association
7 accredited law school,

8 (4) service as a judge in a federal, state,
9 territorial, or local court of record,

10 (5) service as a judicial clerk,

11 (6) service as corporate counsel, or

12 (7) any combination of the above.

13 b. "Practice of law" shall not include work that, as
14 undertaken, would constitute the unauthorized practice
15 of law in the jurisdiction in which it was performed
16 or in which the clients receiving the unauthorized
17 services were located.

18 c. "Practice of law" shall not be required to occur
19 outside of Oklahoma, providing that any practice of
20 law within this state did not include work that, as
21 undertaken, would constitute the unauthorized practice
22 of law; and

23 2. "Reciprocal state" means a state which grants judges and
24 lawyers licensed in Oklahoma the right of admission on motion,

1 without the requirement of taking an examination and whose
2 requirements for admission are similar to admission on motion in
3 Oklahoma without examination requirements. Reciprocal state includes
4 other states, the District of Columbia, and the territories,
5 districts, commonwealths or possessions of the United States.

6 B. An applicant may, upon motion, be admitted to the practice
7 of law in this state if the applicant:

8 1. Is a graduate of a law school approved by the American Bar
9 Association;

10 2. Has been admitted to practice law in another state,
11 territory or the District of Columbia;

12 3. Is a member in good standing on active status in a
13 reciprocal state;

14 4. Establishes that the applicant is not currently subject to
15 lawyer discipline or the subject of a pending disciplinary matter in
16 any jurisdiction;

17 5. Has been engaged in the practice of law for a period of five
18 (5) of the seven (7) years immediately preceding the date upon which
19 the application is filed; and

20 6. Establishes that the applicant possesses the character and
21 fitness to practice law in this state.

22 C. An applicant who has failed a bar examination administered
23 in this state within five (5) years of the date of filing an
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1 application under this section shall not be eligible for admission
2 on motion.

3 D. The applicant shall pay such application fees and costs as
4 may be established by the Supreme Court of Oklahoma.

5 E. Notwithstanding the provisions of this section, if a
6 reciprocal state imposes more stringent and exacting limitations on
7 the ability of Oklahoma practitioners to obtain admission by motion,
8 or if the fees required to be paid are higher, the admission of the
9 applicant shall be governed by the same rules and the applicant
10 shall pay the same fees that would apply to an applicant from this
11 state seeking admission to the bar in the state or territory from
12 which the applicant is claiming reciprocity.

13 F. Any applicant that has been denied Admission by Motion -
14 Reciprocity by the Oklahoma Board of Bar Examiners under the Rules
15 Governing Admission to the Practice of Law in the State of Oklahoma
16 in effect as of January 1, 2021, within two (2) years of the date of
17 the effective date of this act shall not be required to pay a fee
18 for reapplication under this section.

19 SECTION 2. This act shall become effective November 1, 2021.
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21 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY - CIVIL, dated
22 02/24/2021 - DO PASS, As Coauthored.
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